

REMARKS

In the Office Action, the Examiner rejected claim 2 under 35 USC 112, second paragraph, for use of the term “may be”. Claim 2 is amended herein to remove such term and to better define over the prior art. With this amendment and the remarks below, claim 2 is believed to be allowable.

Claims 1-10 and 12-14 were rejected under 35 USC 102(b) as anticipated by Wagner et al. (US 6,070,367). Claim 11 was objected to as being dependent upon a rejected base claim, but was deemed allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Claims 1-3 are amended herein to better define over the prior art, and with the remarks below, claims 1-14 are believed to be allowable.

Claims 15-20 were rejected under 35 USC 103(a) as obvious over Wagner and in view of what the Examiner considered to be an obvious method step of setting up a device. Claim 15 is amended herein to better define over the prior art, and with the remarks below, claims 15-20 are believed to be allowable.

Applicant respectfully submits that the Examiner has misread the Wagner patent in a manner which ignores the substantial differences presented with regard to the present invention. First, Wagner has a scissor bracing structure by which the panels must move simultaneously from a storage to a use position (Wagner FIGS. 1-5). This is unlike the present invention, which permits the first platform panel to be pivoted toward the ground while the second platform panel remains in a storage position, substantially perpendicular to the ground. Second, the Examiner has identified a first restraint 38 in an attempt to find a similar structure to the claimed first platform panel restraint of the present invention. However, first restraint 38 does not lock the panels in the storage position like the first platform panel restraint of the present invention. Rather, first restraint 38 locks the panels in the unfolded, use position (Wagner col. 4, lines 24-

29; and FIGS. 2 and 3). Third, the Examiner has identified second restraint 34, apparently in an attempt to find structure comparable to the claimed second platform panel restraint of the present invention. However, second restraint 34 does not keep the second platform panel upright in a storage position while the first platform panel is upright in the storage position as does the second platform panel restraint of the invention. Rather, second restraint 34 locks entirely separate bridging panels on top of the first or second platform panels for added capacity when storing bridging panels (Wagner col. 3, lines 46-47; and FIG. 1).

Wagner teaches a substantially different device from the present invention, which is easily seen when looking at Wagner in its various positions (shown in FIGS. 2, 3 and 5). With Wagner, neither platform panel could stand upright in the storage position while the other panel has been pivoted toward a use position. Also, neither platform panel can stand by itself on its own legs, as the two platform panels are integrally tied together to share the two legs of each panel so as to simultaneously pivot toward the ground and create a four-legged base (Wagner FIGS. 5 and 2). Furthermore, Wagner is more cumbersome for an operator to set up, because both panels must move simultaneously, and the scissored cross-bracing presents more potential pinching hazards. Moreover, because of this type of structure, Wagner employs additional hardware such as torsion bars to prevent the assembly from slamming when folded or unfolded (Wagner col. 2, lines 51-61).

The Amendments to claims 1, 2 and 15 also help define over Wagner by noting that each of the first and second platform panels of the present invention has an upper surface and a lower surface, and when the platform panels are in the use position substantially parallel to the ground, the upper surface of each platform panel faces upward, while when the platform panels are pivoted to a storage position substantially perpendicular to the ground, the upper surfaces of the platform panels face one another. This is not true of Wagner, wherein when the platform panels

are pivoted to a storage position, the lower surfaces of the platform panels face one another (Wagner abstract; col. 2, lines 9-12; and FIGS. 1 and 3).

The amendment to claim 2 further defines over Wagner by addressing the fact that with the present invention, the first platform panel is adapted to be pivoted from a storage position toward the ground while the second platform panel remains in a storage position substantially perpendicular to the ground.

Claim 3 is amended simply to change its dependency from claim 2 to claim 1.

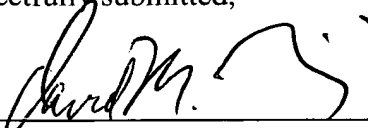
Claim 15 is a method claim which was believed to be patentable as written, due to the fact that Wagner is unable to have one platform panel in a storage position substantially perpendicular to the ground while the other platform panel is pivoted to a position at an acute angle or parallel to the ground. Nevertheless, applicant has amended claim 15 in a manner which corresponds to the amendments to claim 1 where each platform panel has an upper surface and a lower surface, and wherein when the platform panels are in a storage position substantially parallel to the ground, the respective upper surfaces of the platform panels face one another, and wherein when the platform panels are in a use position substantially parallel to the ground, the respective upper surfaces of the platform panels face upward.

In light of the patentability of amended independent claims 1 and 15, it is believed that claims 2-14 and 16-20 which depend respectively therefrom also are patentable. Accordingly, in light of the above amendments and remarks, Applicant believes that this application and all of its pending claims 1-20 are in condition for allowance.

No new matter is added by the amendments herein. The application still contains 20 claims, of which 2 are independent claims, and therefore, it is believed that no additional fee is due with this Amendment. If the Examiner determines that there are any additional fees due in

connection with the filing of this response, please charge the fees (or credit any overpayment) to our Deposit Account No. 13-0019.

Respectfully submitted,

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Dated: February 2, 2005
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